

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

CARL RAGASA and KANANI)	CIVIL NO. 03-00540
RAGASA,)	
)	DECLARATION OF CLAYTON
Plaintiffs,)	WOLCOTT
)	
vs.)	
)	
COUNTY OF KAUAI, KAUAI)	
FIRE DEPARTMENT, DAVID)	
SPROAT, ROBERT KADEN,)	
SIDNEY KINI and ETHAN)	
SAGE,)	
)	
Defendants.)	
_____)	

DECLARATION OF CLAYTON WOLCOTT

I, CLAYTON WOLCOTT, hereby declare as follows:

1. I am 39 years old.
2. I was born and raised on Oahu and moved to Kauai in the early 1990's.
3. I have been a big-wave surfer and an accomplished waterman for most of my life.
- 4 I have been a Water Safety Officer with Defendant COUNTY OF KAUAI ("COUNTY") since about 1999.
5. Plaintiff CARL RAGASA ("CARL") has been a Water Safety Officer with the COUNTY since about 1991. I

have known CARL ever since I started working with the COUNTY.

6. Defendant ETHAN SAGE ("SAGE") has been a Water Safety Officer with the COUNTY since about 1999. I have known SAGE ever since he started working with the COUNTY.

7. In March of 2000, then County of Kauai Mayor decided to transfer all Water Safety Officers from Parks and Recreation to Defendant KAUAI FIRE DEPARTMENT ("KFD"), but delayed the actual transfer until July 2000.

8. In July 2000, Defendant DAVID SPROAT ("SPROAT"), was the Chief of KFD.

9. In January 2001 SPROAT placed command and control of all of the thirty (30) or so Water Safety Officers on Kauai, under KADEN. I have known KADEN ever since that time.

10. Shortly after SPROAT placed command and control of all of the thirty (30) or all of the Water Safety Officers on Kauai under KADEN, I saw the SAGE began acting in a very unprofessional manner.

11. Starting in 2001, I saw SAGE regularly come to work at his assigned tower late.

12. Starting in 2001, I saw SAGE leave his assigned tower without permission from any of the Senior Water Safety Officers or any of the Water Safety Officer Supervisors on many occasions.

13. Starting in 2001, I saw SAGE many time leave COUNTY lifesaving equipment out overnight at the tower he had been working at.

14. Starting in 2001, I saw SAGE surfing on days when he had called in sick and was supposed to be manning an assigned tower.

15. Starting in 2001, I saw SAGE leave COUNTY lifesaving equipment out overnight many times at the tower that he had been working at.

16. Starting in 2001, I saw SAGE smoking marijuana in and at the tower that he was assigned to during working hours on several occasions.

17. Starting in 2001, I saw SAGE smoking marijuana in and at the tower that he was assigned to during working hours.

18. Starting in 2001, I saw SAGE fail and refuse to obey direct orders issued to him by Senior Water Safety Officers and Water Safety Officer Supervisors.

19. During the year 2001, I had several discussions with other of the Water Safety Officers that are assigned to tower on the North Shore of Kauai about SAGE and his constant coming to work late, leaving his tower without permission, leaving lifesaving equipment out overnight, smoking marijuana while on duty, failures and refusal to obey direct orders, and calling in sick to work and surfing right in front of me.

20. The Water Safety Officers that I spoke to about SAGES' misconduct and unprofessional behavior in 2001 were CARL, who was then and is now one of two Senior Water Safety Officers assigned to the North Shore, Mark McKamey, who was then and is now one the other of the two Senior Water Safety Officers assigned to the North Shore, Chris Pico, Gavin Kennelly, Gerald Hurd and Bruce Stine.

21. In addition to the Water Safety Officers referenced above, I regularly made complaints about SAGE to WSO Supervisors Nathan "Kaleo" Hookano and Myles Emura.

22. Over the course of the year 2001, I became increasingly disturbed and frustrated over SAGE's misconduct and unprofessional behavior. It seemed to me that SAGE was endangering the lives of the beach going public, me and the other Water Safety Officers that he was assigned to work with. Despite the fact that I had been complaining and discussing these matters with other Water Safety Officers and WSO Supervisors Hookano and Emura, no action was being taken to correct the situations with SAGE.

23. In October 2001, I decided to take matters into my own hands with SAGE. On my day off, I went to the tower where he was working. I told SAGE that if he did not stop coming to work late, leaving his tower without permission, leaving lifesaving equipment out overnight, smoking marijuana while on duty, failing and refusing to obey direct orders, and calling in sick to work and

then surfing right in front of me, I was going to make a formal complaint about him with KADEN.

24. When I told SAGE that I was going to report him and his misconduct to KADEN, SAGE started laughing. I was surprised to hear SAGE laugh, as it was my belief at that time that if I reported SAGE to him, SAGE would receive an oral reprimand, a written reprimand, suspension or possibly even termination. I asked him why he was laughing.

25. SAGE told me that KADEN would never do anything to him. He told me that he and KADEN go way back and that he had something on KADEN. I asked him what, and SAGE told me that he and KADEN have been friends and "partners in crime" for a long time. I was shocked. I asked him what he meant. At that point, SAGE said, "that's right, I forgot. You're not from here, so you don't know about me and Bob, do you? He and I have been making money dealing together for a long time. If you to ever mess with me again, you'll be sorry."

26. After my conversation with SAGE, I continued to see him come to work late, leave his tower without permission, leave lifesaving equipment out overnight, smoke marijuana while on duty, fail and refuse to obey direct orders, and call in sick to work and then surf right in front of me.

27. For at least four years now, SAGE has presented a clear and present danger to the lives of the beach going public on Kauai, me and the other Water Safety Officers that he is assigned to work with.

28. For at least four years now, SAGE's mere presence as a Water Safety Officer and co-employee has been an embarrassment, an insult and a source of disgrace to me personally, professionally, as a COUNTY employee, a Water Safety Office and a resident of Kauai. I simply cannot believe that he is still a working as a Water Safety Officer and has not been fired.

29. In all the time that I have known CARL, I have never had one person ever complain to me that CARL has been violent toward them or threatened them with violence in any way, shape or form.

30. In all the time that I have known CARL, I have never seen or heard CARL behave in a violent manner toward anyone or threaten anyone with violence in any way, shape or form.

31. CARL has never had a reputation for committing violence toward others or threatening others with violence.

32. In all the time that I have known CARL, he has been the most respected and accomplished open ocean rescuer in the whole COUNTY. When the waves are the biggest and the situation is the heaviest and most dangerous, all of the other Water Safety Officers, including me, call on and expect CARL to be the one to take control and care of the situation.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Executed this 29th day of November, at Hanalei,
Kauai, Hawaii.


CLAYTON WOLCOTT

DECLARATION OF CLAYTON WOLCOTT; Carl Ragasa and Kanani Ragasa v. County of Kauai, et. al, In the United States District Court for the District of Hawaii, Civil No. CV 03-00162 (BMK).
